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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2008-293

11 TINA MARIE COLEMAN  
12 760 S. Hill Road., #26  
Ventura, CA 93003  
13 Registered Nurse License No. 542278

**FIRST AMENDED  
ACCUSATION**

14 Respondent.

15 Complainant alleges:

16 PARTIES

17 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
18 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
19 (Board), Department of Consumer Affairs.

20 2. On or about March 30, 1998, the Board issued Registered Nurse License  
21 Number 542278 to Tina Marie Coleman (Respondent). The Registered Nurse License was in full  
22 force and effect at all times relevant to the charges brought herein and will expire on December  
23 31, 2009, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board under the authority of the  
26 following laws. All section references are to the Business and Professions Code (Code) unless  
27 otherwise indicated.  
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5. Section 118, subdivision (b) of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 2761 of the Code states:

8. Section 2762 of the Code states:

“(a) Obtain or possess in violation of law . . . any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

9. Section 125.3 of the Code states in pertinent part that the Board may request the administrative law judge to direct a licentiate found to have committed licensing act

1 violations to pay a sum not to exceed the reasonable costs of investigation and enforcement of  
2 the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct)

5 10. Respondent is subject to disciplinary action under section 2761,  
6 subdivision (a) and section 2762, subdivision (e) of the Code in that Respondent has diverted and  
7 abused controlled substances from the hospital where she worked, and in that Respondent has  
8 failed to complete the Board's Diversion Program that she was enrolled in after being caught  
9 diverting the controlled substances. The circumstances are as follows:

10 a. For approximately six months through January 2006, Respondent was  
11 diverting and using the drugs Dilaudid and Xanax from the hospital where she worked as a staff  
12 nurse. After Respondent was caught diverting the controlled substances, she went on a medical  
13 leave of absence.

14 b. Thereafter, on or about January 26, 2006, Respondent enrolled as a self-  
15 referral in the Board's Diversion Program. As part of her Diversion Program recovery contracts,  
16 Respondent agreed to multiple criteria, including attending a nursing support group, submitting  
17 aftercare progress reports, having on file all current prescriptions for medications, submitting to  
18 random blood fluid tests (RBFT), and being responsible for all RBFT collection and lab fees.

19 c. Although Respondent attended three Diversion Evaluation Committee  
20 (DEC) meetings where she was told to comply with the Diversion Program requirements,  
21 Respondent committed multiple violations of her recovery contract commitments, as follows:

- 22 1) Respondent did not attend a nursing support group;
- 23 2) She did not participate in aftercare progress reports;
- 24 3) She did not have on file her prescription for her antidepressant  
25 medication;
- 26 4) She did not call Compass Vision (CVI), the entity where drug testing  
27 was to be done, to submit to random blood tests from on or about April 23 through on or about  
28 July 5, 2007; and

1 5) She did not pay all RBFT collection and lab fees, resulting in her CVI  
2 account being placed on hold.

3 d. On or about August 14, 2007, Respondent was terminated from the  
4 Diversion Program because of her noncompliance and because the DEC deemed her a public  
5 safety risk and a risk to her own health and safety.

6 SECOND CAUSE FOR DISCIPLINE

7 (Abuse of Controlled Substances)

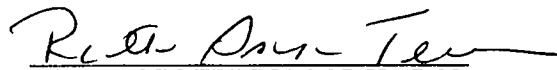
8 11. Respondent is subject to disciplinary action under section of 2762,  
9 subdivision (b) of the Code in that she has abused controlled substances. The circumstances  
10 are that for approximately six months, from on or about July 2, 2005 through January 14, 2006,  
11 Respondent on a daily basis took Dilaudid and Xanax from the hospital where she worked, and  
12 she abused both drugs.

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14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
16 alleged, and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 542278, issued  
18 to Respondent;  
19 2. Ordering Respondent to pay the Board the reasonable costs of the  
20 investigation and enforcement of this case, pursuant to Code section 125.3; and  
21 3. Taking such other and further action as deemed necessary and proper.  
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23 DATED: 6/16/08

24   
25 RUTH ANN TERRY, M.P.H., R.N.  
26 Executive Officer  
27 Board of Registered Nursing  
28 Department of Consumer Affairs  
State of California  
Complainant